

REMARKS

This paper responds to the Final Office Action mailed October 22, 2009. Inasmuch as it is filed by January 22, 2010 with an RCE (and required fee), no additional fee should be required for its consideration.

Interview Summary

Applicants thank the Examiner and her supervisor for the courtesies extended to Applicants' counsel, Sean Myers-Payne, during a telephone interview on January 20, 2010.

During the interview, Applicants' counsel explained that Applicants' position was that the Office had misinterpreted the claim term solvent gas, but that rather than try to convince the Office of this issue, for the sake of expediency, Applicants would amend the claims to recite dimethyl acetamide. Applicants' counsel specifically explained the present amendment.

The Examiners agreed to consider the amendment upon its presentation by Applicants.

Status and Disposition of Claims

The Final Office Action considered claims 1, 2, 6-9, and 21-26, claims 3-5 and 10-20 having previously been canceled. With this amendment, claim 1 is amended, leaving claims 1, 2, 6-9, and 21-26 pending and under consideration.

This amendment finds support throughout the original specification as filed, including, for example, at Example 1 (paragraph [0045]) of the original specification (corresponding to paragraph [0081] of the published specification). This amendment adds no new matter.

Claim Rejections – 35 U.S.C. § 112, Second Paragraph

The Action rejects claims 1, 2, 6-9, and 21-26 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for reciting a solvent gas concentration of 470 ppm or more and 1000 or less and a relative humidity of 70% to 95%. The Action asserts that solvent gas is not further

discussed or defined in the specification, and thus, it is unclear how the recited element induces a patentable difference to the membrane being claimed.

Applicants respectfully disagree and note that solvent gas is discussed throughout the specification, and specifically, for example, at paragraph [0032] of the original specification (corresponding to paragraph [0015] of the published specification). Applicants further note that the solvent that was already recited in the claim was dimethyl acetamide, and thus, “solvent gas” clearly referred to dimethyl acetamide. Applicants submit that this fact is clear from reading the specification, and that reading “solvent gas” in the prior claim as encompassing water vapor is inconsistent with the specification.

Nevertheless, in an effort to advance prosecution and eliminate any misinterpretations about the meaning of the claims, Applicants have amended claim 1 to make (even more) clear that the solvent gas being referred to is dimethyl acetamide. Applicants submit that the claim is definite, and respectfully request withdrawal of the rejection.

Applicants further note that the proper interpretation of the prior claim required that the solvent gas be read as being dimethyl acetamide. Thus, the present amendment does not further limit the claim, and thus, no estoppel should attach to the amendment.

Claim Rejections under 35 U.S.C. § 103(a)

The Office Action rejects claims 1, 2, 6, 7, and 21-23 under 35 U.S.C. § 103(a) as allegedly unpatentable over Kim et al. (WO2002/087735; as presented by U.S. Patent Application Publication No. 2004/0167237 A1 to Kim et al.). The Action rejects claims 8, 9, and 24-26 over Kim et al. in view of Carlsen et al. (U.S. Patent Re. No. 36,914). The Action rejects claims 6 and 23 over Kim et al. in view of Kozawa et al. (U.S. Patent No. 6,355,730). The Action further rejects claims 9 and 25 over Kim et al. in view of Carlsen et al. and in further view of Kozawa et al. Applicants respectfully disagree with the rejections and submit that the present claims are patentable over the art of record, for at least the following reasons.

Rather than address all of the specific rejections (which Applicants have done previously, and which previous arguments are incorporated herein by reference), Applicants note that the

Office Action had interpreted the solvent gas to be water vapor, and that each of the art-based rejections relies on that interpretation. Applicants respectfully note that the prior interpretation is no longer possible in view of the present amendment. Applicants submit that the cited art fails to teach or suggest Applicants' claimed invention, which recites, among other elements, "running a raw spinning solution comprising polysulfone-based resin, polyvinylpyrrolidone, and dimethyl acetamide, through an air gap comprising a dimethyl acetamide concentration of 470 ppm or more and 1,000 or less and whose relative humidity is 70% to 95% for 0.4 seconds or more."

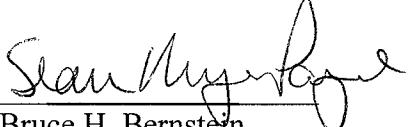
In view of the foregoing remarks and amendments, Applicants respectfully request withdrawal of the obviousness rejections.

CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow all the pending claims.

Should there be any questions, the Examiner is invited to contact the undersigned at the below listed telephone number.

Respectfully submitted,
Mariko KURODA et al.


Bruce H. Bernstein

Reg. No. 29,027

42,920

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191